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(selectmenLDrive) Minute Cover Sheet

**SPECIAL MEETING
ACTON BOARD OF SELECTMEN
OCTOBER 9, 2008
ROOM 126
ACTON TOWN HALL**

Present: Paulina Knibbe; Acting Chair; Andrew Magee; Terra Friedrichs

Absent: Lauren Rosenzweig; Peter Berry. The meeting was not televised.

Also Present: Town Manager Steven Ledoux; Joseph Motzi; Town Planning Director Roland Bartl; Assistant Planner Scott Mutch; DRB Chair Anne Sussman

Acting Chair Knibbe called the meeting to order at 6:07 PM.

There were no Citizen Concerns

The Town Manager reported that there was no Operational Minute

SELECTMEN'S BUSINESS.

BELLA FAMILIGIA RESTAURANT SITE PLAN SPECIAL PERMIT AMENDMENT #10/22/85-368

ANDREW MAGEE - Moved, seconded by TERRA FRIEDRICHS - to approve the Site Plan Special Permit. Paulina Knibbe offered a friendly amendment assented to my Mr. Magee and Ms. Friedrichs that section 3.1 of the Site Plan permit be amended from "In conformance with" to "inconsideration of:.. UNANIMOUS VOTE

SUPERINTENDENT OF SCHOOLS SEARCH COMMITTEE APPOINTMENT

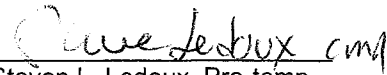
Ms. Knibbe reported that the School Committee has requested that a Selectmen's representative be appointed to the School Superintendent Search Committee. She indicated that Chair Rosenzweig would be interested in serving. Ms. Friedrichs stated she would like to serve as she felt someone with a strong financial background should be part of the process. She would abstain from the vote regarding the Superintendent Search, because she did not know who else was on the committee and no one could tell her.

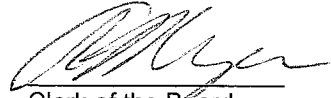
ANDREW MAGEE - Moved, seconded by PAULINA KNIBBE, to appoint Lauren Rosenzweig to the committee. Yeas: Andrew Magee; Paulina Knibbe. 1 abstention (T. Friedrichs)

Other Business

Ms. Knibbe stated that she would like to discuss Ms. Friedrichs ALG point of view document. She felt that some of the issues raised were not pertinent to the ALG process. She felt the entire Board should review such a document.

ANDREW MAGEE - Moved to adjourn at 6:46 PM, seconded by TERRA FRIEDRICHS UNANIMOUS VOTE.


Steven L. Ledoux, Pro-temp


Clerk of the Board
3 Nov 11 2008
Date:

BOARD OF SELECTMEN & SEWER COMMISSIONERS'

MEETING AGENDA

October 9, 2008

Room 126

6:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. OPERATIONAL MINUTE

The Town Manager will provide a brief report on topics of interest

III. SELECTMEN'S BUSINESS

**2. BELLA FAMILIGIA RESTAURANT SITE PLAN SPECIAL PERMIT
AMENDMENT, #10/22/85-268**

ISSUE: Review request for Site Plan Amendment

3. SUPERINTENDENT OF SCHOOLS SEARCH COMMITTEE APPOINTMENT

ISSUE: Selectmen have been asked to provide a member of the Board to sit on the Committee to select a new Superintendent of Schools. Chairman Rosenzweig has offered to represent the Board as she outlined in the e-Mail she sent the Board.

4. OTHER BUSINESS

IV. CONSENT AGENDA

TOWN MANAGER'S REPORT

V. EXECUTIVE SESSION

None Needed

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

October 20

November 3 & 17

December 1 & 15

January 12, 2010

MINUTES PENDING VOTES

September 8, 2008, September 22, 2008, October 6, 2008

September 15, 2008, Joint Boards Meeting

PENDING COMMITTEE APPOINTMENTS

Toros L. Maksoudian, Conservation Commission (One Associate position open) his materials are at VCC for processing.

Brendan Cotter, Recreation Commission Associate position, his materials are at VCC for processing.

Greg Hutchens, TAC, VCC, Cultural Counsel, Council on Aging his materials have been forwarded to VCC for processing.

**MINUTES
ACTON BOARD OF SELECTMEN**

**Acton – Boxborough Regional High School
Room 268 W
October 2, 2008**

Present: Lauren Rosenzweig, Chair; Paulina Knibbe; Vice Chair; Andrew Magee; Clerk; Peter Berry; Terra Friedrichs

Also Present: Town Manager Steven Ledoux

Chair Rosenzweig called the meeting to order @ 6:10 PM

- I. Citizen Concerns: None
- II. Public Hearings and Appointments: None

a. Operational Minute

The Town Manager informed the Board that he has instituted a spending and hiring freeze, effective October 1st, 2008 because of the current economic situation in both the Nation and the Commonwealth. All expenditures and vacancies will be scrutinized on a case by case basis.

III. Town Meeting Discussion

a. Article 1

The Chair informed the Board that there will be a motion to request to request a secret ballot on Article 1. She then led a discussion on whether the Board should take a position on the secret ballot motion. After some discussion, L. Rosenzweig moved, seconded by P. Berry that the Board take no position if a secret ballot motion is made. Unanimous Vote.

b. Article 2

Selectman Magee updated the Board on the status of Article 2, which would purchase property off of Piper Lane, utilizing CPC funds for Open Space. Mr. Magee informed the Board that the vote at Town meeting would require approval by a 2/3 vote as the house that would be acquired through the purchase would be sold and selling town property requires a 2/3 vote. P. Berry moved, seconded T. Friedrichs, that the Board of Selectmen recommends the Article to Town Meeting. Unanimous Vote

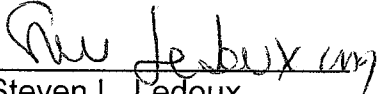
IV Consent Agenda


- A. Appointment of Christopher Dallmus as Associate Member of Design Review Board with a term to expire 6/30/09.

Moved by A. Magee, seconded by T. Friedrichs to approve. Unanimous Vote

The Board then moved to the Upper Gymnasium at Acton Boxborough Regional High School for Special Town Meeting.

The Board of Selectmen adjourned at 9:47 PM at the conclusion of Special Town Meeting.


Steven L. Ledoux


Board of Selectmen, Clerk
3 November 2008
Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

October 2, 2008

Acton Boxboro Regional High School, Room 268 West
6:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. OPERATIONAL MINUTE

The Town Manager will provide a brief report on topics of interest

III. SELECTMEN'S BUSINESS

2. TOWN MEETING DISCUSSION

ARTICLE 1 - Possible request from the floor to Vote Article 1 by Secret Ballot

ARTICLE 2 - Vote Board position on Article 2 as written in the Warrant

3. OTHER BUSINESS

IV. CONSENT AGENDA

**4. COMMITTEE APPOINTMENT, CHRISTOPHER DALLMUS, ASSOCIATE MEMBER,
DESIGN REVIEW BOARD WITH A TERM TO EXPIRE 6/30/09**

Enclosed please find materials in the subject regard, for Board consideration.

TOWN MANAGER'S REPORT

V. EXECUTIVE SESSION

None Needed

ADDITIONAL INFORMATION

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FUTURE AGENDAS

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Toros L. Maksoudian, Conservation Commission (One Associate position open) his materials are at VCC for processing.

Brendan Cotter, Recreation Commission Associate position, his materials are at VCC for processing.

BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

October 6, 2008

Acton Town Hall, Francis Faulkner Hearing Room

7:00 P.M.

Present: Lauren Rosenzweig, Paulina Knibbe, Terra Friedrichs, Andrew Magee, Peter Berry, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

Jim Snyder Grant – updated the Board on the brainstorming about environmental projects, as well as a proposed Charter for the Committee.

Staff was asked to put this subject on an upcoming Agenda for Board review.

Tom Michleman, Magnolia Drive – spoke about the negotiations regarding the police details and flagging. Tom objects to the payment of relatively unskilled flagmen on details. On one hand the average police salary is not very good and he understands why they are protective of the details. He suggests an alternative by giving the officers the right of first refusal to take any road details as flaggers.

Richard Calendrella, wanted to thank the Board for a very successful Special Town Meeting.

Bryant Page, Concord Road, he questioned the Board's reaction to his letter. Lauren spoke about Danver's and that they have never asked for and override.

Dore' Hunter, Veterans Services Officer noted that it has come to his attention that the Silver Star Committee is trying to get proclamations for those wounded while serving in the military, from all governmental entities. He urged the Board approve this Proclamation.

OPERATIONAL MINUTE

Steve updated the Board on the financial state of the Commonwealth. We may find ourselves back 1991 and local aid is cut in mid-year. Steve met with staff to enact a spending and hiring freeze. Public Safety and health issues will be decided on a case by case review. He has asked the department heads to come back with what they would cut from operational budgets for this year if we get a cut of 5% from the State. It is a very a serious position to find ourselves in.

Lauren echoed Steve's concerns and thanked all who helped make town meeting so successful.

PUBLIC HEARINGS & APPOINTMENTS

MICHAEL GURTLE, 19 RAILROAD STREET, SEWER BETTERMENT RELIEF REQUEST

Mr. Gurtler owns several units and is asking for relief as those units were vacant and he does not agree with the calculations. Mr. Gurtler says it is unfair when there was no usage, and noted that he pays his betterment.

Steve said the key issue is the occupancy permit triggers the charges and that once Mr. Gurtler obtained the occupancy permit the charges began. Mr. Gurtler stated that he did not want to wait and go to a closing without an occupancy permit.

Peter noted Doug Halley's memo about water flow and what triggers it. He noted that to abate one person it could affect the calculation of monies into the system. He asked if Mr. Gurtler had a response to Doug's memo. Mr. Gurtler asserted that the Water District knows when some one moves in and that the Board should consider this and could have gotten the meter readings to prove it.

Andy asked about what we do for others who go out of town for a couple of months each year and would ask that the numbers be changed to reflect the actual usage?

Terra noted that the business risk is understood and that the market works out. Mr. Gurtler disagreed and his understanding is a matter of fairness of what actually goes into the sewer.

Terra felt it was not possible to recalculate and is sympathetic, but would not support adjusting the bill.

PETER BERRY - Moved to deny Mr. Gurtler's request. ANDREW MAGEE – second.
UNANIMOUS VOTE

Andy asked about an occupancy permit A and B to address this and have the Manager look into it.

TRANSPORTATION ADVISORY COMMITTEE, OVERSIGHT MEETING

Franny Osmond talked about what the committee as been working on this past year. They are reviewing Site plans and MBTA Garage and shuttle possibilities. She noted that during the last couple of years they kept applying for funding and what would happen is that they needed money to plan because they would only fund service not planning. They asked town meeting for \$20,000 to fund a planner to actually complete the application for funds. The applications will be complete by the due date in February and then they support service in the fall of 2009. Franny spoke about the on-line survey and urged people to go on line and fill it out.

They also helped to get us a new bus in addition to Road Runner we now have a new bus for the Council on Aging, thanks to David Sharfarz, our Representative to LRTA.

TAC applied for a grant in July through MAPC and MPO and they are trying to coordinate a better way to transport people all over the place. They will have a funding round and that in June asked for Grants and she was able to put together an application to ask for \$10,000 to be matched by the Town. Franny spoke about a plan to issue a voucher system with a taxi cab company. We received the grant and will report as she finds out more. This will help people who currently use the vans such as the elderly and handicapped persons.

They will have openings and are looking for volunteers.

In the future applying for the Suburban Mobility Grant. She felt we need to know what we want from transportation, and what we need. Franny said that there is support for transportation. Franny said we need to speak with other communities and noted some have already joined Montachusets Group, another regional organization.

Peter asked about the Globe NW and that MAPC is providing bike racks and asked if she was aware of this. Peter was a supporter for biking. Lauren noted the requirements. Franny will bring it to the committee for review. Peter asked about the status of the State Sponsored lot expansion. Franny said that they have discussed it and asked for people to bring questions for the Board of Selectmen to ask the State. Lauren noted the current status is Paul Hadley from the State is looking toward the platform as it is reconfigured for double tracks. Lauren felt we need to have a task force made up of residents, BOS and pose some of these questions and studies that need to be done.

Paulina thanked Franny for her work and noted that whenever we get monies we want to be sure what we are trying to accomplish. Paulina noted the big picture is setting up the shuttle. Paulina urged Franny to try to stay focused and not to delay other projects.

Andy agreed with Paulina about grants and matching funds and to let us know as soon as possible as we are budget building. Andy noted that they are down 3 members; he felt she could find members as soon as possible from all the people interested in transportation issues.

Terra felt that our tendency to accommodate the moving people needs to be rethought. It seems that we should think about how not to move people, instead of always focusing on how to move people around. Why not make Acton a great place to live and work and play and stay, and create ways that we can walk to the things that we need, so that we're not in an ever ending cycle of transportation, which even if it's mass transit, it burns carbon. She suggested using technology funds and our free access to internet service through the cable

companies for teleconferencing facilities. Terra made the point that we should separate "need" from "want" when doing our market studies, including the transportation study. Terra made the point that there aren't a lot of letters asking for shuttle services. She noted only one letter asking for specific help since she'd been elected; a blind person who needed to get transportation from the train to his work and she offered to drive the person anytime, day/night, every day, if necessary and the Board never heard back from him. She noted that the voucher program could help someone like him.

VALENTINE CONSERVATION RESTRICTION, 566 ACTON STREET, CARLISLE, 10 ACRES IN ACTON

Robert Tuchmann representing the Valentine's came before the Board to discuss his clients offer. They are currently doing estate planning and are hoping to keep open spaces when they create building lots. They will reduce the number of units to be built. And wanted to speak about the 10 acres. They have submitted the Conservation Restriction and will have 17 house lots; hopefully they will not be seen from the Road. They want the Town to accept the 10 acres which will not be built on.

Andy said the Open Space Committee had looked at this land.

Terra spoke about sending a letter to the Valentine's to thank them for the offer.

Peter said he had no problems and asked about the path and it was indeed private land.

Paulina spoke in favor of accepting this gift.

Jim Snyder spoke about the walking of the easement and connection to the Bay Circuit Trail easement. The trail avoids the water in the area and may need a small board walk at the connection to the Bay Circuit Trail.

ANDREW MAGEE – Moved that we accept and sign the restriction documents, and further to write a letter to the Valentine's thanking them for their generous gift.

PAULINA KNIBEE – second UNANIMOUS VOTE

SIDEWALK COMMITTEE, OVERSIGHT MEETING

Paulina outlined the committee's accomplishments and plans. Central Street is the highest importance at this time. Paulina noted the attached sheets with the status of projects and hoped that they will get all the easements. Paulina spoke about funding and asked town staff to look over the costs for funding the projects. Paulina noted that it will be 25% less if the town crew builds them, but they will need to have time for the Town to construct them.

They are working on design guidelines and hope to have a document on how we feel sidewalks are to be built. The committee will look at four different types of sidewalks.

They have worked with the Town Departments and spoke about interfacing with the other Boards on sidewalk issues.

Peter noted that when he was running for the Board sidewalks were the issues that were brought to his attention.

Terra expressed the hopes that the Sidewalk Committee can increase the importance of "residential density" so it becomes the highest criteria for sidewalks. She noted the recent accidents on route 2A where there are thousands of people living within a mile.

Terra asked about Paulina's continuing to serve as the Chair. Paulina outlined her plans to gradually step down. She founded the committee in as the Chair for the first year (2007-2008); she is currently co-chair with Kate Chung (2008 – 2009); she plans to step down to liaison next year (2009- 2010)

Terra expressed a concern that the list be looked at periodically to make sure that it still meets with the town's priorities, given new information, such as accidents on Route 2A. Dore' Hunter, Foster Street, urged them not to change the list.

Franny Osmond thanked the Sidewalk Committee for their work. Franny asked about berms and granite curbs and urged them to install them to make the sidewalk safer.

SELECTMEN'S BUSINESS

ALG UPDATE

Next meeting is this Friday, 7:00 am. Lauren said she feels we need to review our items for discussion at the ALG and asked the Board for input. FY10 is looking quite bleak. Lauren asked Steve for an update on the town budgets and sharing revenue between town and schools. Steve said they have had the meeting to discuss the budgets and capital projects. Steve said we need to look at our assumptions and to look at our reserves and not using any funds for FY10 until we see what is going to happen. Steve noted that staff requests are legitimate.

Terra recommend that we consider as a board recommending to voters that we not assume salaries are going up 4.5 percent, and freeze critical services and teachers hiring. Terra also wanted a grounds-up with employees of were the town could be saving money and cost savings. Steve said he had a program in Sudbury and did reward good ideas. Terra asked that a line item in the spreadsheet be added for Senior tax Relief.

Dick Calendrella asked how to participate in the ALG Process. Lauren said they consist of representatives and they go and they do not vote, they have a facilitator to get a win win way to address the issues. Public input is accepted. This is an open and transparent group.

Dore' Hunter, Foster Street, noted that ALG has been going on for 20 years and it is not new. Dore' felt Steve's move to freeze budgets was a good decision and asked what happens at 5%, 10% or 15%. Dore' is concerned about public comments that we are going the violate the collective bargaining. We have an obligation to the units to bargain fairly. Peter spoke about

Mr. Calendrella's request to find out more about budgets and suggested that the press let people know and perhaps have some charts on the Cable channel. Lauren will draft an article to that affect.

Lauren noted a clear need for those on fixed incomes need help and we might look at donations and other charities especially this year with the increased need for fuel assistance.

REQUEST TO ESTABLISH A POLICY REGARDING QUORUMS OF THE BOARD WHEN CONDUCTING TOWN BUSINESS WITHOUT A MEETING BEING POSTED

Paulina drafted a summary motion based on our last meeting. Lauren discussed the policy point by point. (add the draft motion from Paulina)

Andy noted the difficult situation of what happened at these meetings. If that meeting is a posted meeting the public gets the same info they the committee attendees get. Andy liked posting as an informational meeting and asked that Town Counsel review this to make sure it is legal.

Peter noted his concerns about the Open Meeting, post the meeting, and that no Board of Selectmen business discussed.

Lauren talked about the 48 hour notice, and with the whole idea of so many meetings thinks that the informational meetings that leave the person who did not attend as at a disadvantage. Steve was asked to write Counsel

TERRA FRIEDRICHS – Moved to approve this policy pending counsel review. PETER BERRY – second. Paulina wanted to know the policy is reviewed by counsel before we vote this policy. *Terra withdrew her motion.*

ROBBINS BROOK RETIREMENT COMMUNITY, 888, 900 MAIN STREET, EXTENSION OF SITE PLAN, #11/18/98-366

The request will be continued for 3 months because of the need to review further and to negotiate an easement. Jim Snyder looks forward to continuing this to a successful completion. ANDREW MAGEE - Moved to extend to December 15, 2008. TERRA FREIDRICHS – second. UNANIMOUS VOTE

OTHER BUSINESS

Town projects for CPC Draft of what we will be looking at

April Town Meeting consider a proposal to have legislation to pay the difference of salary of military persons if they served overseas. Veteran's Day was also noted.

Andy spoke about the Wednesday presentation of the 25% design on BFRT.

Terra asked about having the unnumbered mail packet available on line. She also spoke about Verril Farm.

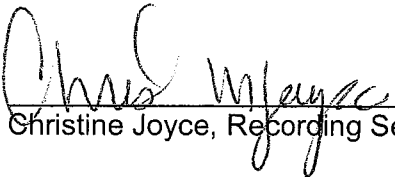
CONSENT

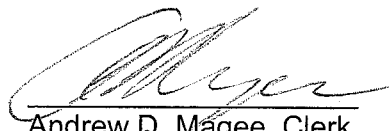
9 hold 10 hold – ANDREW MAGEE - Moved to accept the Consent Agenda with the exception of numbers 9 and 10. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

#9 Bella Famiglia site plan draft decision. Paulia wanted to note the removal of the next step of the new site plan. The Board wants Mr. Motzi to come in to discuss this. Staff to Copy Mr. Motzi further to have him come to the before the BOS at a time specific and ask him to get DRB recommendation on the way the building will look if he takes their suggestions.

#10 3.2. the Board wanted the modified Design Review Board wording changed. Andy wants to review it and handle it in the same fashion as Bella Famiglia Amendment. The Board asked the proponent of 133 Great Road get the DRB's feedback and come back before the BOS.

EXECUTIVE SESSION


Christine Joyce, Recording Secty


Andrew D. Magee, Clerk
3 Nov-6-2008
Date

AMENDED BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Francis Faulkner Meeting Room

October 6, 2008

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:15 **MICHAEL GURTLE, TRUSTEE, RAILROAD REALTY TRUST, 19 RAILROAD STREET, REQUEST FOR SEWER BETTERMENT RELIEF (CONTINUED FROM 9/12)**
ISSUE: Mr. Gurtler has asked to appear before the Board to speak to his request for Betterment relief.
2. 7:30 **TRANSPORTATION ADVISORY COMMITTEE, OVERSIGHT MEETING**
ISSUE: Yearly Oversight Meeting
3. 7:45 **VALENTINE CONSERVATION RESTRICTION, 566 ACTON STREET, CARLISLE, TEN ACRES IN ACTON, PROPOSED BAY CIRCUIT TRAIL ACCESS**
ISSUE: The Valentine's Attorney has requested the Board accept the trail easement portion of the land in Acton
4. 8:05 **SIDEWALK COMMITTEE, OVERSIGHT MEETING**
ISSUE: Yearly Oversight Meeting

III. SELECTMEN'S BUSINESS

5. **ALG UPDATE**
No materials enclosed
6. **REQUEST TO ESTABLISH A POLICY REGARDING QUORUMS OF THE BOARD WHEN CONDUCTING TOWN BUSINESS WITHOUT A MEETING BEING POSTED**
No materials enclosed
7. **ROBBINS BROOK RETIREMENT COMMUNITY – 888, 900 MAIN STREET, 8 EASTERN ROAD SITE PLAN SPECIAL PERMIT #11/18/98-366, PHASE 3. (CONTINUED DISCUSSION REGARDING WALKING TRAILS FROM 9/12)**
Enclosed please find materials in the subject regard, for Board consideration

8. OTHER BUSINESS

IV. CONSENT AGENDA

- 9. AMEND SITE PLAN #10/22/85-268 (59 GREAT ROAD) FORMER D'ANGELO'S SITE, PROPOSED BELLA FAMIGILIA RESTAURANT**
Enclosed please find materials in the subject regard, for Board consideration.
- 10. SITE PLAN SPECIAL PERMIT DECISION #07/03/08-415, 133 GREAT ROAD, MINI-WAREHOUSE REALTY, LLC**
Enclosed please find materials in the subject regard, for Board consideration
- 11. BON FIRE PEP RALLY PERMISSION, AB MONDAY NIGHT QUARTERBACKS**
Enclosed please find materials in the subject regard, for Board consideration
- 12. ONE DAY LIQUOR LICENSE REQUEST, CONGREGATION BETH ELOHIM**
Enclosed please find materials in the subject regard, for Board consideration
- 13. ACCEPT GIFT, COMMISSION ON DISABILITY**
Enclosed please find a gift of \$237.47 from the Friends Group, for Board consideration
- 14. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$450.00 from Not Your Average Joe's to help fund the Acton Adult Softball League expenses, for Board consideration
- 15. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$50.00 from Patrick and Abby O'Brien to be used to fund Elm Street Improvements, for Board consideration
- 16. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$100.00 gift card from Roche Bros. to be used as a raffle prizes at the Monsterbash at NARA Park
- 17. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$40.00 of candy and chips from Benjarong Restaurant to be used at the Monsterbash at NARA Park
- 18. ACCEPT GIFT, RECREATION DEPARTMENT**
Enclosed please find a gift of \$500.00 from the Middlesex Savings Bank to support Winterfest activities
- 19. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**
Enclosed please find materials in the subject regard, for Board consideration

V. EXECUTIVE SESSION

There will not be a need for Executive Session.

ADDITIONAL INFORMATION

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FUTURE AGENDAS

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BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

**September 8, 2008
Acton Town Hall, Faulkner Hearing Room
7:00 P.M.**

Present: Lauren Rosenzweig, Paulina Knibbe, Andrew Magee, Peter Berry, Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

CITIZENS' CONCERNS

Bob Guba spoke about trails. Bay Circuit passes through Acton. They have a problem getting from BFRT to Route 27. Mr. Ullman is the point person on this issue, and would have been here tonight, but was away. Robbins Brook management continues to deny passage through their property. He asked that the town work with the Robbins Brook to allow them to use the property. The Manager was asked to follow-up with Robbins Brook folks. He suggested that it be tabled for tonight, until we get more information.

Andy suggested we table it and take it off consent until it is discussed. ANDREW MAGEE – Move to Grant the extension for one months time or until our October 6, meeting for further discussion. PAULINA KNIBBE - second. UNANIMOUS

Michaela Moran asked that the town consider buying land adjacent to Great Hill. People have been using these lands as town property already for walking. Michaela noted that it would increase open space. They have a letter of support for the purchase of the two parcels. It would be an asset to the HDC. Andy stated that these are two owners of property one with the home and one with just land to be sold. The sellers are interested in working toward this purchase. They would like to bring this to the CPC and they will need to recommend this purchase to Community Preservation Committee. One of the subject historical homes on the cultural resource list is outside the district.

Peter supports the purchase, it is a nice parcel and the home was built in the 1840's.

OPERATIONAL MINUTE

Steve announced that Saturday is Acton Day. People are urged to park at Nagog and to walk in. He also noted the upcoming Dog Day Jubilee at NARA

Steve reported on the lease from Blue Bird and the church for Sunday parking. We have a draft sub-lease that has been approved by Town Counsel. He feels now the parking issue is behind him and move forward with his lenders,

Steve reported "On the Hill" budget retreat will be held this week. He noted that it is starting early to get more time to put the budget together.

22 applications for Community Outreach Coordinator have been received. A screening committee will be formed on Friday.

Legislation has passed allowing the Town a 20 year lease at the School Street fields.

PUBLIC HEARINGS & APPOINTMENTS

LIQUOR OUTLET, INC., REQUEST TO ALTER PREMISES, 305 MAIN STREET

Mr. Zeitler is asking to enlarging the store, the space next to him has been empty for over two years and they would like to expand into this space.

Peter had no questions it has been through staff review and there are no objections.

Andy and Paulina were comfortable with the request to expand into the vacant bank.

PAULINA KNIBBE – Moved to approve. PETER BERRY – second. UNANIMOUS VOTE

John Edmonds of Lothrop Road asked if they could purchase alcoholic beverages at the redemption site. Mr. Zeitler replied no.

WATER RESOURCE ADVISORY COMMITTEE, OVERSIGHT MEETING

Andy went over his slide show in the subject regard. He discussed available gallons, preliminary Design Study and cost estimates. Andy also spoke about the current task forces. Andy outlined the recommendations of the WRAC.

Paulina noted the cost and asked if they were going to go forward if they find the prices would be less, or look at other alternatives. Andy said they will be looking at costs and other ways to treat the issue. Andy said that we would have to cut the costs by 100% for Spencer Road project. Peter mentioned the bill that was passed to get a million dollars for the Spencer Road site, and was vetoed by the Governor. Paulina said it is too early to close this down and we have got to solve this issue. We need to establish a Sewer Action Committee. PAULINA KNIBBE- Moved to establish a Sewer Action Committee. ANDREW MAGEE – second. UNANIMOUS VOTE

Ann Chang supported the Committee being formed.

Andy Monroe said we need to have some money for design before they cannot go forward. He is asking for NESWC funds for upfront expenses and then repaid back in to the NESWC Fund.

Don Barren, Lothrop Road offered to serve on the committee

HISTORICAL COMMISSION, OVERSIGHT MEETING

Peter Grover updated the Board on outstanding issues. The Wright Holden House on Route 2 needs to be stabilized and to find a new use for it. The Department of Corrections controls the property. They need to get it sealed and cover the windows. They have a donor willing to supply the plywood and that the gift needs to be accepted by the Selectmen. Peter spoke about updating our Demolitions Delay Bylaw. He also spoke about an Archeological Resources Program for review before sites are demolished, and would like to bring to Annual Town Meeting. He spoke about Morrison Farm to getting on the National Register. They will require a consultant to do this task. They want to preserve both the Wright Holden and Morrison Farm property.

They also want to see something done with the 17 Woodbury Lane property. Peter noted that they have a Cultural List on the Web. They want to get their files into a digital form and suggested a person from the Senior Worker Program.

Lauren suggested they meet with the Town Manager to discuss the funds for the plywood and Senior Worker Program.

They need one alternate position.

COMMUNITY PRESERVATION COMMITTEE – OVERSIGHT MEETING

Ken Siga Hughes Chairmen of the CPC this year reported that the committee is fully staffed with 9 members and 2 associates, as prescribed under the bylaw. They have had another successful year, 1.6 million was provided. We have been fully matched, but this year's matching funds may be lower. They are getting ready to start their new cycle, presenting to the citizens. They will use the same process as in previous years. They thanked the Board for participating in the Amnesty suit with Newton.

They were disappointed that the funding for the rail trail did not come through. It was discussed that they may be able to purchase the Great Hill Land. They have had a site walk and are waiting for the appraisal. Ken suggested amendment to the Bylaw. They would like the Associate Members to be able to vote, and have the Vice Chair called out in the bylaw.

They are requesting we think ahead to get programs. Mary Michleman updated the Board on the meeting here with Senator Resor, Cory Atkins, Jamie Eldridge and they did some brainstorming how to get the funding for the Rail Trails and asked for community letters to support the funding.

CABLE TV – OVERSIGHT MEETING

John Covert gave a slide presentation of what they have been doing and the issues they are working on. They have full membership.

Peter asked why we need to form an access group; John replied that who would operate the studio when Comcast ceases to operate it.

Paulina supports the formation of the access group. The committee needs to work with the Town Manager to determine the budget for Atty. Solomon's services

Andy wanted to say appointing the governing board is required and who we hire and what we get from them is also very important.

Charlie Kadlec commented that point out that the quality of the broadcast of these meetings is horrible, he asked that they address it.

John Petersen asked about multiple studios and economy of scale.

SITE PLAN SPECIAL PERMIT #7/3/08-415, MINI-WAREHOUSE REALTY, LLC. 133 GREAT ROAD

George Dimakarakos the Project Engineer, outlined the request to increase the commercial area to 9,000 feet and adding four residential units on the second floor.

Lauren asked that the selectmen need to be assigned to site plans in the future.

Paulina said she is happy with the expanding of business and housing. She asked if this abuts to Ellsworth and are there any issues with the owners of Ellsworth, George said just to preserve the tree buffer. The height of the building will be below the site line.

Andy commented on the parking issues and other items that causes him concerned, but knows that they will be addressed. They have worked with the Design Review Board. Lauren said the tree buffer must be maintained. Andy asked Roland if he had any comments. Roland was confident that all issues would be worked out to his satisfaction.

LAUREN ROSENZWEIG – Moved to take under advisement and ask Roland to prepare a draft decision for out next meeting. ANDREW MAGEE –second. UNANIMOUS VOTE

LAUREN ROSENZWEIG – Moved to open the hearing and continue to September 8th at 8:30 pm. PAULINA KNIBBE- second UNANIMOUS

ACTON VOTERS GROUP

Clint Steward spoke about the collection of 1,500 signatures. The group's purpose was as an outreach to the Town and to go get the Board's opinion. People are upset and the economy is in a down turn.

This Special Town Meeting will offer choices with no 4% increase and will leave responsible reserves. Lower property taxes by returning 2.4M

Andy said it was very compelling argument and is it correct. We took a lot of flack at town meeting last year, and even with all the meetings there was not enough transparently. Andy said that we had 20 budget meetings and it was in the paper and on cable, are questioned if they were really going to get the information out in three weeks.

Paullina's problem is with the way it is characterized. She finds they want to spend 2.4M and would make the taxes go up by 6% in FY 09 and 10.

Peter Berry said we are lucky to have this conversation, from his perspective in his service to the Town, we have been financially run very well. Peter said he was concerned about the issues of getting the reserves up again, it uses reserves to maintain services, and taxes will need to go up much higher. Peter outlined the State budget being cut and local aid decreasing again; it is a very difficult question if we spend the reserves down.

Peter Ashton spoke about the NESWC funds and how in the past we held on to the reserves. It is bad policy and bad economics and doesn't think it makes sense. It is not connected to the three year plan. The petition wants to spend 1.3 of our reserves, and in three years we will not have enough money left. We cannot afford to have this plan voted. Peter said some of the uncertainties such as the Ballot question to eliminate the State Income tax with cuts at the State level will have a 40 percent reduction in revenue and State Aid. Peter suggests to use 2.4 M is not fiscally responsible at this time. One fact has been lost in this discussion this will benefit only W. R. Grace, why should we be helping that company, we should not give our legal adversary money.

Peter said it is important to keep a strong reserve in these economic times. He urged that the Board not support this Article.

Tom Michlemen – The DOR's suggested level of reserves is simply a guideline. He supports higher reserves. He spoke about the Ballot initiative by the State. If the State reduces funding the most vulnerable Citizens will be hurt, and wanted to spend time and resources to defeat the abolishment of the income tax.

Alan Nitchelm spoke about reserves and reserve policy that he had asked for when he was on the Finance Committee.

Paulina said that the ALG plan presented at April's Town Meeting showed using the reserves for deferred capital over a period of several years. All of these possible projects would need to come to a future Town Meeting for approval. However, if the economic climate continues to be bad, the reserves can also be used to prevent cuts to essential services.

Summer Hoffman – Commented about the Ashton's Income tax vote. And felt that it would be a long time before the State took action.

SELECTMEN'S BUSINESS

ALG UPDATE

Lauren updated the Board on the last meeting and having a three board joint meeting. They will be talking about the agenda for the meeting is contained in the mail packet. They will be discussing the plan we have to 2012 to show impacts that may occur. Paulina spoke about ALG plan and her memo. Andy noted the ash liability and we have set aside 1M for liability issues down from 3M.

QUAIL RIDGE COUNTRY CLUB TRAIL EASEMENT

Lauren recused herself as she is a member of the Club. Paulina said this is a trail that will go through Quail Ridge property. ANDREW MAGEE - Move to approve. PETER BERRY – second UNANIMOUS VOTE

THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY (ASTDR) ON THE GRACE PROPERTY

Andy noted that we wish to have the comment period extended 30 days. Andy said it was an interesting meeting and a lot of material given. There are issues in the report that need to be looked at more closely. Mary Michleman has drafted a joint response. ANDREW MAGEE – Moved to authorize the letter as written and be placed on town letter head. PAULINA KNIBBE - second. Andrew further moved to authorize Jim Okun to prepare a similar review for issuance on the 15th. PAULINA KNIBBE – second. UNANIMOUS VOTE

RAILROAD REALTY TRUST, 19 RAILROAD STREET, REQUEST FOR SEWER ABATEMENT

Steve Ledoux noted that the trustee asked to have the betterment fee waived. Health director suggests that we deny the request.

A resident of 19 Railroad Street, spoke about her being billed for the flow rate before she even bought the unit or moved in. Lauren asked that she meet with the Town Manager. Paulina asked that it be tabled until more information is reviewed. ANDREW MAGEE – Moved to defer

decision until materials have been reviewed further. PAULINA KNIBBE – second.
UNANIMOUS VOTE

WATER SUPPLY DISTRICT APPLICATION FEES POLICY, WAIVE AND REFUND PERMIT FEES ASSOCIATED WITH THE DISTRICTS CONSTRUCTION OF THE KENNEDY MARSHALL WATER TREATMENT PLAN

Water District has asked the town to waive fees of \$6,256. PETER BERRY Moved to waive fees for WD to construct the water treatment plant in the amount of \$6,256.00. ANDREW MAGEE –second UNANIMOUS VOTE

CLOSE SPECIAL TOWN MEETING WARRANT AND VOTE POSITIONS

Piper Lane Article does not have language yet. The appraisal is forthcoming and will be placed on the Warrant as a placeholder.

ANDREW MAGEE – Moved to close the warrant with the two articles on the warrant. PETER BERRY – second UNANIMOUS VOTE

ANDREW MAGEE – Moved to defer until more info is gathered

AVG Board position –Lauren spoke about the need to maintain reserves.

Peter Berry said we do listen to taxpayers, we run for office, he feels he is in tune with taxpayers. There are arguments on both sides. He is opposed to the petition.

Paulina thinks this proposal is irresponsible. She does not support the article.

Andy discussed the Social Worker Position and could not make a decision until he had gotten more. He could not vote for this on the information as presented. He cannot vote as a Selectman with out more information. PAULINA KNIBBE – Moved Not recommend. – LAUREN ROSENZWEIG – second. UNANIMOUS VOTE

Charlie Kadlec said the major reason this came up was because of the poor Annual Meeting. \$30,000 for a Social Worker is not an issue or budget breaker; there are more important Items in the budget.

Piper Road potential land purchases was discussed with the Finance Chairman, Steve Noon. Steve asked how much this will cost. The house was appraised \$340,000 – \$357,000 and the developer was \$700,000 for the parcel and the house. The other lot is narrow until getting toward the back of the property, drive way issues to get to the back of parcel. \$900,000 range.

SELECTMEN TO REVIEW DRAFT PRESS RELEASE ON GRACE TAX ABATEMENT

Lauren announced the Town has decided to settle out of court with Grace. Grace is fully paid up at the 6M level they will be pay up for their sewer betterments and will stay current with the betterment payments. PETER BERRY - Moved to approve the press release. ANDREW MAGEE – second. UNANIMOUS VOTE.

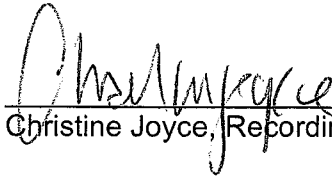
OTHER BUSINESS


NONE

CONSENT

ANDREW MAGEE - Moved to accept the Consent Agenda with item 23 pulled - PAULINA KNIBBE – second. UNANIMOUS VOTE.

EXECUTIVE SESSION


Christine Joyce, Recording Secty


Andrew D. Magee, Clerk
3 November 2008
Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'

MEETING AGENDA

Francis Faulkner Meeting Room,

Town Hall

September 8, 2008

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:02 OPERATIONAL MINUTE

The Town Manager will provide a brief report on topics of interest.

2. 7:15 LIQUOR OUTLET, INC., REQUEST TO ALTER PREMISES, 305 MAIN STREET

ISSUE: The Liquor Outlet, Inc., is planning on expanding their store into the former Bank

3. 7:20 WATER RESOURCE ADVISORY COMMITTEE (WRAC) OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting

4. 7:35 HISTORICAL COMMISSION OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting

5. 7:50 COMMUNITY PRESERVATION COMMITTEE OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting

6. 8:05 CABLE TELEVISION ADVISORY COMMITTEE OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting

7. 8:30 SITE PLAN # 07/03/08-415, MINI-WAREHOUSE REALTY, LLC., 133 GREAT ROAD

ISSUE: Site Plan presentation for Board Action

8. 8:45 ACTON VOTERS GROUP, SPECIAL TOWN MEETING CITIZEN'S PETITION

ISSUE: Board of Selectmen's position on this Citizen's Petition Article

III. SELECTMEN'S BUSINESS

9. ALG

Enclosed please find materials in the subject regard, for Board consideration.

10. QUAIL RIDGE COUNTRY CLUB TRAIL EASEMENT

Enclosed please find materials in the subject regard, for Board consideration

11. THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY (ASTDR) ON GRACE PROPERTY

Enclosed please find materials in the subject regard, for Board consideration

12. RAILROAD REALTY TRUST, 19 RAILROAD STREET, REQUEST FOR SEWER BILL ABATEMENT

Enclosed please find materials in the subject regard, for Board consideration

13. WATER SUPPLY DISTRICT OF ACTON, APPLICATION OF FEES POLICY, WAIVE AND REFUND PERMIT FEES ASSOCIATED WITH THE DISTRICT'S CONSTRUCTION OF THE KENNEDY MARSHALL WATER TREATMENT PLANT

Enclosed please find materials in the subject regard, for Board consideration

14. CLOSE SPECIAL TOWN MEETING WARRANT AND VOTE POSITIONS ON ARTICLES

Enclosed please find materials in the subject regard, for Board consideration

15. SELECTMEN TO REVIEW DRAFT PRESS RELEASE ON GRACE TAX ABATEMENT

Enclosed please find materials in the subject regard, for Board consideration

OTHER BUSINESS

IV. CONSENT AGENDA

16. ACCEPT BOARD OF SELECTMEN MINUTES OF MAY 12 & 19, JUNE 9 & 23, JULY 14 & 31 AUGUST 11 & 14

Enclosed please find materials in the subject regard, for Board consideration

17. BRUCE FREEMAN RAILTRAIL INTER-MUNICIPAL AGREEMENT

Enclosed please find materials in the subject regard, for Board consideration

18. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$100.00 from AAA Southern New England to be used to support Acton Day

19. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$100.00 from Nashoba Valley Ski Area, to be used to support Acton Day or Dog Day Jubilee/Family Fun Day

20. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$400.00 from Domino's Pizza to be used to support Acton Day activities

21. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$50.00 from Pet Source to be used to support the Dog Day Jubilee

22. ACCEPT GIFT, RECREATION DEPARTMENT

Enclosed please find a gift of \$100.00 from CBC Fitness Center to support Acton Day activities

23. ROBBINS BROOK RETIREMENT COMMUNITY, 886, 900 MAIN STREET, 8 EASTERN ROAD, REQUEST FOR PERMIT EXTENSION, SITE PLAN SPECIAL PERMIT #11/18/98-366, PHASE 3

Enclosed please find materials in the subject regard, for Board consideration

24. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT LOCAL ACTION UNIT APPLICATION, FAULKNER MILL, 4 HIGH STREET SIGNATURE REQUEST FROM THE ACTON COMMUNITY HOUSING CORPORATION

Enclosed please find materials in the subject regard, for Board consideration

V. EXECUTIVE SESSION

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

Sept. 22 & October 6 & 20

MINUTES PENDING VOTES

MAY 12 & 19, JUNE 9 & 23, JULY 14 & 31 AUGUST 11 & 14 & 28

PENDING COMMITTEE APPOINTMENTS

Toros L. Maksoudian, Conservation Commission (One Associate position open) his materials are at VCC for processing

Brendan Cotter, Recreation Commission Associate position, his materials are at VCC for processing

BOARD OF SELECTMEN & SEWER COMMISSIONERS'

MINUTES

*Francis Faulkner Meeting Room,
Town Hall*

September 22, 2008

7:00 PM

Present: Chairman Lauren Rosenzweig, Selectmen Andrew Magee, Paulina Knibbe, Peter Berry, Terra Friedrichs, and Assistant Town Manager John Murray, Recording Secretary Maryjane Kenney

I. CITIZENS' CONCERNS

Jeff Clymer of 5 Walnut Street addressed the Board concerning the process the Planning Board is using to make decisions at Quail Ridge. He would ask the Board of Selectmen to give appropriate guidance to Planning Board in decisions that will greatly affect the tax payers. It is his belief that there should be oversight to specific special permits. The current Planning Board members in his opinion do not meet the necessary criteria to have the expertise in many of the areas in which they are making decisions. Chairman Rosenzweig rescues herself. Finally he urged the Selectmen to get involved and to watch the meetings of the last year and take part in the upcoming meetings (See enclosed presentation).

II. PUBLIC HEARINGS AND APPOINTMENTS

OPERATIONAL MINUTE

The Assistant Town Manager reported on Fire Fighter Anita Arnum being deployed to Louisiana and Texas for Search and Rescue. The Town admires her work and is pleased she is safely back home and at work. The Main Street/Brook Street intersection has been realigned and curbing is completed. Landscaping is nearly complete; it makes the intersection much easier to navigate. All the work was done by in-house crews; they did a great job and should be congratulated. The Board asked the Manager to thank the DPW.

ACTON COMMUNITY HOUSING CORPORATION (ACHC) ANNUAL OVERSIGHT MEETING

2.1 ACHC provided an information packet on the effectiveness of the Condo Buy Back Program.

2.2 Habitat for Humanity: Alter Section D-3 of the Deed to make Habitat Primary and ACHC Secondary. The Board selected option # 2 which made Habitat Primary Monitoring Agent for 82 River Street. They also agreed to extend the deadline to make necessary changes to the deed. Selectmen Magee made the motion, Chairman Rosenzweig seconded. All voted in agreement.

Chairperson Nancy Tavernier gave the presentation:

Membership includes, Kevin McManus Treasurer (23 years), Dan Buckley, who is taking a leave of absence, Naomi McManus, Bernice Baran, Betty Clark, and Associate Member Pam Shuttle. We currently need 1 new member and will still need members as members are expected to retire from the Corporation this year. The ACHC is different from many committees as it is created by state statute. The focus of our committee is to facilitate affordable housing. This year has been unusual in that only 2 developers in 12 months have come before us and neither has continued on to appear before ZBA. It is best for Acton if the 40B's use the Local Initiative Process, as the

alternative option exists for a developer to go directly to the state, whereby they will by-pass the local input process. ACHC does not own or sell property. They do oversee the sales and marketing of 40B's to make sure they do affirmative marketing. This year Willow Central has been finished and occupied. The Buy-Down Condo Program subsidized 8 units this year. The Down Payment and Closing Cost Assistance Program enabled 5 first time home buyers grants for closing costs. The biggest highlight was getting granted the tax exempt status for the organization in August. There are currently three 40B projects being worked on: Madison place with 2 units, the Old High School Commons with 17 units, and 442 Mass Ave with 4 units. Non 40B's include Ellsworth Village with 3 units and Sommerset Hills with 4 units. This gives the Town a total 530 units with a need of 746 units to reach our 10% goal under 40B. In 2010 10 % will be 800. (State and group homes are beds that count toward the 10%, and serve an honorable and good purpose in Acton.) This upcoming year ACHC would like to hand some of the clerical requirements to the Planning Department. The Housing Authority and ACHC have a wonderful relationship and Ms. McManus has incorporated projects to help the Housing Authority. Pat Clifford of the Finance Committee attends regularly and helps the group tremendously with her support. Chairman Rosenzweig and the entire Board thanked the group for their hard work of getting people started in home ownership. Selectman Berry stated that affordable housing is an important social goal. Another larger rental unit in town would help although no one wants that. Selectmen Friedrichs would like to see whether the Finance Committee could analyze the possibility of our investing more money into down payments instead of sponsoring the building of additional new units. That would create less of a "loss" (less unprofitable). You would avoid losing so much money and you would help more people. Such a down payment plan would be offered to anyone who will deed restrict their unit. Kevin McManus explained that a down payment is an important step in qualifying; it shows they have something invested. On deed restricted units one must be income eligible and meet legal standards. Bernice Baran suggested that if Selectman Friedrichs has proposals she should come to ACHC and discuss them and learn the current process; some proposals might be supported and some might be modified and implemented, and many of her suggestions are in place in some format already. Selectman Magee agreed this is an oversight meeting not a meeting to discuss policy. He would suggest a study group do some real research if changes are needed. Selectman Friedrichs wanted to state 3 items she thought important to implement or change in the ACHC: 1. including the design review process in ACHC projects, and informing the DRB when there is developer interest in 40B projects; 2, documenting when density bonuses are given out so that the FinCom can account for the future costs to support the added units; and 3. for the Fincom to update the Residential Development Impact Analysis and study the impact of new ACHC sponsored units. Selectman Knibbe stated concerns with the ACHC in negotiations with Alexan that 50% of the pledged money goes to ACHC and their stated possible uses did not include increasing affordable housing. Nancy Tavernier noted with the market the way it is it makes more sense to tie these funds to the condo buy-down program now, but will use it for affordable housing if the market changes. Each change would go back to the Board for approval. Nancy was asked why most affordable housing is not in sewer districts. Most homes on sewers with the assessments being so large it makes them non-affordable. Selectman Friedrichs asked that the ACHC find a way to include units that are not on the sewer, to allow us to help more people. Nancy explained the lottery program. The ACHC does a lengthy outreach to the community in advertising and then lottery is held. If no one on the list wants the unit then it becomes 1st come 1st serve. The list is good for two years. Selectman Friedrichs would like to request that ACHC notify Design Review Board when there is a project. The ACHC is not a town Board and they have their own special legislation; they also have laws that they are accountable for following, so you cannot just think you can change process if you have a good idea. They are accountable as to approval of funds to the Selectmen for expenditures.

BOARD OF HEALTH OVERSIGHT MEETING

Presentation was made by Bill Taylor for the Board of Health. The strength of our membership is the variety of expertise on the board. The Board of Health's goals are to administer and enforce Massachusetts health laws along with doing community outreach and health management. This year our Wellness University and Hazardous Waste days were successful programs. Goals for the upcoming year are in strategies for community programs such as Lyme disease and influenza outreach and to formulate adoption of new regulations concerning stormwater compliance.

Selectman Magee stated that for a relatively small committee they have accomplished a lot. Mr. Halley stated it is a 7 person Board, but alternates only vote if a regular member is absent.

Selectman Magee asked about the number of septic system installations. Mr. Halley replied they are down greatly, but they have 4 waste water alternative systems to be considered. Selectman Knibbe is pleased with the effort to hire a Social worker and requested an update. Mr. Halley said the Social Worker position is currently being interviewed for and will be situated in the nursing services, but might report directly to the manager. She asked why when we advertise Hazardous Waste Day we don't send to everyone in town. How can we enlarge that program what new strategy can we use. Mr. Halley stated the town has about 500 cars per event and the process is open to be reconsidered. What is community health assessment hope to accomplish? Survey to access the knowledge and needs of the community and then develop the health needs program which will help the underserved who don't have a lot of information. It will also give data on the health of the community in general. Selectman Berry was amazed at the list of inspections in the report. The Health Director said it is a good job done for a three person department, a secretary and a part time person. We contract for weights and seals and the animal control officer for barn inspections. Selectman Friedrichs wanted to discourage taking more deer habitat. She had inquiries about a deer killing to control the spread of Lyme disease. Bill Taylor stated that killing deer not real affective when deer cross town lines. Chairman Rosenzweig thanked the Board for all they have done to help keep us healthy and safe; education is the way to go. Inspections are very important with food borne illnesses.

DOMESTIC VIOLENCE SERVICES NETWORK

Members of the Domestic Violence Services Network met with the Board of Selectmen to discuss their programs and missions. Chief Widmayer, Jaqueline Apsler, Meena Hewett, and Marilyn Peterson belong to Network for Women's Lives-Wellness and Safety for our Community. The collaborative includes the towns of Acton, Bedford, Boxborough, Carlisle, Concord, Lincoln, Maynard, Stow, and Wayland Police Departments, also Community volunteers, Hanscom Air Force Base and a Citizen's Board. Chief Widmayer stated domestic violence is one of the most pervasive problems we deal with in Acton. The Network said they are fortunate that the Acton Police Department is so pro-active. They have three key issues their programs focus on: Reach out as in referred 911 calls or direct service, Court Support, and outreach/prevention education. The goals for this year are to work more with schools and community for prevention education. Most volunteers are highly trained. Several members from Acton have been helpful in safety planning and resources acquisition. The United Way has been very helpful in funding as well as acquiring federal grants. The network have had successful outreach with training clergy as 1st responders and will this year try to increase training to include immigrant populations. They train all the police in the 9 town area. Their hot line help number is 888-399-6111. Selectmen Friedrichs inquired if there are more problems or more caring here so people hear and help. It is a pro-activeness of the police and schools which lends itself to early intervention. Selectman Berry asked if there exists an increase and does it have to do with the current economic downturn? That might increase stress levels but usually the behavior is there. The broader social programs the Network would like to work on would be to work more closely with the schools. A grant will be used for strategic planning and that is the big focus for 2009. Selectmen Berry noted that federal funding is down and the pie is shrinking as needs are increasing. The Selectmen thanked the

group for all their work and Selectman Magee gave a special note of thanks to Chief Widmayer for reaching out. Selectmen Friedrichs asked Ms. Apsler to define domestic violence because the people listening to this meeting should understand that it's so much more than just physical abuse. The presenter replied that it is any abuse where there is an uneven balance of power.

NATIONAL GRID RECTIFIER & RECTIFIER POLE, KINSLEY ROAD AT KINSLEY LANE AND WILLOW STREET AT DUGGAN ROAD

Installation of Rectifiers to retard corrosion on existing gas lines by installing pressure treated Poles by around the pipes. They can go to the Engineering Department for approval or they can continue to come to the Board. Chairman Rosenzweig suggested that people might want to come in for public discussion, in which case it should go to the Board. Selectman Friedrichs thought the Board should get copies directly of the work to be accomplished. The Assistant Town Manager recommends that if there are any comments from abutters then it should go to the Board. Chairman Rosenzweig said it is a utility and we cannot change anything but location. Selectman Friedrichs took notice that the boxes are getting huge and there is no screening. They could go to Design Review Board to recommend how the boxes should all look, and then Acton will look better. DRB should meet with the Engineer Department to better monitor the boxes. Selectman Knibbe has no problem with the proposal. But she is concerned with the mission creep of DRB; the scope is way too wide. She stated that we have seen no charter and their job is so ambiguous. As an advisory group it should be limited to the Board of Selectmen to comment on. Chairman Rosenzweig stated their mission is for commercial development. Selectman Magee has some of the same concerns as Selectman Friedrichs, but DRB as an advisory board could be copied and asked for comments to be sent to the Engineering Department. That being said just email us the comments to the Selectmen for the hearing. Selectman Friedrichs already gave them the opportunity to comment on these. They had no comment. This particular pole is fine. Selectman Magee moved to approve these poles and Selectmen Knibbe agreed. The vote was unanimous. Chairman Rosenzweig asked if we can we get better pictures in the future.

III. SELECTMEN'S BUSINESS

APPOINTMENT OF ALTERNATIVE REPRESENTATIVE TO THE METROPOLITAN AREA PLANNING COUNCIL

The MACP is seeking an alternative to Lauren to attend with her or for her when she cannot attend. MAGIC meets once a month and MACP meets about 4 times a year.

TOWN COMMENTS AND ENVIRONMENTAL PROTECTION AGENCY REPLY CONCERNING W.R. GRACE SUPERFUND SITE

The comment period has been extended 30 more days until October 30th (unofficial notification).

7.1 O'Reilly, Talbot & Okun Replied for the Board (Letter): Public Health Assessment

7.2 Comments on Monitoring Program Report

7.1 Selectman Rosenzweig is comfortable with the letter. Selectman Magee moves to approve the letter, Selectperson Knibbe, seconds. Selectman Friedrichs thinks we should take advantage of the 30 days and talk to our lawyer and make sure that we are documenting the fact that the new information is providing new insight into the damage to the town at that site. Mary Michelman, representative of ACES stated that if we send this letter it does not mean you cannot send a second set of comments. The EPA does need to respond to all the comments. The Assistant Town Manager reminded the Board that Environmental Counsel and consultants have reviewed the letter. Selectman Knibbe thought it would be reasonable to send a letter, we will add more. Chairman Rosenzweig moved to take a vote and all were in favor. The letter will be sent.

7.2 The Water District as well as the town did not learn about the contents found by the EPA testing until August of 2007. It took 10 months to get the EPA report and they had the knowledge all that time. More info should have been provided. Selectman Magee moved to send the letter. All agreed that the letter be sent.

REQUEST TO ESTABLISH A POLICY REGARDING QUORUMS OF THE BOARD WHEN CONDUCTING TOWN BUSINESS WITHOUT A MEETING BEING POSTED

Chairman Rosenzweig stated that this issue surfaces when more than 2 selectmen want to attend a meeting (without necessarily participating), but wanted to give up posting on those occasions. It would be a dangerous step. Selectman Knibbe can see how it could be abused, but we should be able to attend meetings to educate ourselves. We can't speak and we can't weigh in. The practice currently is that 2 Selectmen can attend and contribute, but if a third Selectman goes that person cannot participate or speak. Selectman Berry is concerned with not being able to observe other meetings, but doesn't think it is right to have 3 selectmen attend and not post it, under law. Chairman Rosenzweig said the intent is to avoid secret meetings and allow the public to attend public meetings. Sometimes there are joint meetings for a vote, while sometimes meetings are just to attend to listen. Selectmen Magee quoted from the Open Meeting Law. It stated that the meeting has to be posted as a Selectmen's meeting if there is a quorum. He stated it would be good to be better informed, but once it is posted as a Selectmen's Meeting he would feel obligated to attend. This law slows us down but keeps us honest. Selectman Friedrichs stated her issue is that when groups such as Selectmen are charged with heading an advisory group then the group can be manipulated and so it seems proper that the other Selectmen should be able to go and watch a meeting. In particular, she would like to review how the positions of the ALG are developed, because as an elected official, it's her job to monitor the budgeting process. Selectmen Friedrichs stated that it's her impression that the group as a whole likes to spend money and that she would like to watch the process in case she would like to raise early objections." Chairman Rosenzweig stated it is their charter to develop financial policy. The Assistant Town Manager stated that we already have an opinion from counsel and from the District Attorney. We have 2 choices: 1) Post the meeting or 2) Meet with only 2 selectmen at other meetings.

OTHER BUSINESS

OCT 2 THURSDAY WILL BE A SPECIAL TOWN MEETING WARRANT WHICH WILL INCLUDE A CITIZEN PETITION AND #2 A LAND PURCHASE

A Pre-Selectmen meeting posted at 6, an hour prior to the Town Meeting and the Selectman will stay in session for the duration of Town meeting.

9.1 Nashoba Brook Chamber (potato cave) Dedication September 27, 200, Selectman Berry will attend.

9.2 Bruce Freeman Rail Trail: Add Concord to the Inter-Municipal Agreement
Selectman Magee moves for the Board to accept, Selectman Friedrichs seconds. She would like to get back on the TIP list. Selectman Magee stated he and the Town Planner are working hard for this to happen. All voted in favor.

9.3 Assabet River Rail Trail: Support Letter Selectman Magee moved to sign and sent the support letter. Selectman Knibbe seconded and the vote was approved by all.
Selectman Magee explained we have been allotted the money but can't get it because we are not on the TIP so if we get back on the TIP we will get the money. Mr. Murray stated that the Mass Highway is so in debt and are taking money from one project to give to another. Mary Michelman said there are several groups that are doing letter campaigns. Right now we can't access the design money until we are approved for TIP (which means construction

costs will be funded). Steve Noone asked is there a time concern to use the CPA funds? CPA funds were for design and that money has been used so time frame is OK. The motion was made for the Chairman to be allowed to change one sentence at her discretion and the support letter would be sent. All approved.

9.4 Verrill Farm: Gift Fund: Selectman Knibbe stated that this would be one place that the Government should not be involved. She believes that Government should only do what can't be done elsewhere. Selectman Friedrichs stated her point was well taken and withdrew the question. Selectman Rosenzweig would like to send a letter to Verill Farm and the Town of Concord expressing our sadness. She would also like the Manager to send a letter and our Fireman that helped with aid to the Town Concord.

9.5 Chris Dallmus – Appointment Design Review Committee: Selectman Knibbe does not like the process being put forth here. Let's fix the process if it does not work. Chairman Rosenzweig stated that there is no rush since the Committee has a quorum. We can let the process work and approve at the next meeting. Selectman Friedrichs stated that the VCC is preventing the operations of the committees working in town. Selectman Magee stated the VCC is the process, but if we want to go back we should just go ahead and have the liaison do the interview. Selectman Friedrichs, as the liaison should attend the VCC meeting and fully understand the process by working with it and then she should fix the process if it needs attention. Selectman Friedrichs pointed out that the VCC meetings are on Monday nights, and because of volunteer staffing issues, they haven't been able to find a time to meet. She noted that the VCC does not answer their email. Selectman Magee moves to approve the appointment and Chairman Rosenzweig seconds. The Assistant Town Manager asked if the Board had term and position information. They did not so the vote was tabled. The Chairman asked to have the item on the October 6, 2008 meeting with the appropriate information.

IV. CONSENT AGENDA

Selectman Magee made a motion to pass the Consent agenda and Selectman Knibbe seconded. Selectmen Friedrichs and Knibbe held #17 and #10. Selectman Magee moves items 11 through 16: approved and the votes were unanimous.

10. ACTON COMMUNITY HOUSING CORPORATION REQUESTS REALLOCATION OF UP TO \$78,000 OF THE PULTE GIFT FUNDS FOR ROOF REPAIR OF TOWNE BUILDING

A portion of this fund was voted to renovate the town building for sewer privilege fee, now ACHC would like some of those funds to fix the roof before winter. Selectman Magee motioned to allow the reallocation and Selectman Knibbe seconds. All voted in agreement.

11. ONE DAY LIQUOR LICENSE, MIDDLESEX WEST CHAMBER OF COMMERCE, EVENT HELD AT POWERS GALLERY

12. ONE DAY LIQUOR LICENSE, IRON WORK FARM, ANNUAL MEETING AND RECEPTION

13. ONE DAY LIQUOR LICENSE, NARA PARK, IBM CORPORATION WORKGROUP

14. ACTON COMMUNITY HOUSING CORPORATION, REQUEST TO ELEVATE ASSOCIATE MEMBER PAM SHUTTLE TO A FULL MEMBER AND FULL MEMBER DAN BUCKLEY BE REASSIGNED TO AN ASSOCIATE MEMBER

15. ACCEPT GIFT, RECREATION DEPARTMENT

A gift of \$200.00 from Acton Ford to be used for Acton Day was accepted.

16. ACCEPT GIFT, RECREATION DEPARTMENT

A gift of \$200.00 from Digital Credit Union to be used to fund Acton Day activities and Dog Day Jubilee at NARA Park.

17. DISPOSAL OF MATERIALS FROM MEMORIAL LIBRARY

Selectman Knibbe would like to put the disposal list on email and just a line item on consent, without hard copies in our packets. The Chairman did explain for the record why originally the Selectmen wanted to see the list to be sure the books were absolutely not useable. She believes that email could be sufficient. Selectman Magee suggested that all consent items could be done this way (i.e. no hard copy on Mondays).

Selectman Friedrichs asked if an item needs to be held for discussion we will put it in the packet. Selectman Magee moves that all consent only on email unless the Board is notified it is to be held, in which case it will go into the packets. Selectman Friedrichs seconded and all voted in favor. Selectman Magee moves to approve items 10 and 17, Selectman Knibbe seconds. Consent was unanimous. The entire consent agenda was approved.

V. EXECUTIVE SESSION

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

MINUTES PENDING VOTES

September 8, 2008

September 15, 2008, Joint Boards Meeting

PENDING COMMITTEE APPOINTMENTS

Toros L. Maksoudian, Conservation Commission (One Associate position open) his materials are at VCC for processing.

Brendan Cotter, Recreation Commission Associate position, his materials are at VCC for processing.

Chris Dallmus, Applicant for Design Review Committee Member, Materials at VCC for processing.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

October 6 & 20 November 3 and 17 December 1 & 15 January 12, 2009


Clerk

3 November 2008
Date

Maryjane Kenney
Recording Secretary

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

*Francis Faulkner Meeting Room,
Town Hall*

September 22, 2008

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:02 OPERATIONAL MINUTE

The Town Manager will provide a brief report on topics of interest.

2. 7:20 ACTON COMMUNITY HOUSING CORPORATION (ACHC) ANNUAL OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting

2.1 Information on Condo Buy Back Program

2.2 Habitat for Humanity: Alter Section D-3 of the Deed

3. 7:55 BOARD OF HEALTH OVERSIGHT MEETING

ISSUE: Annual Oversight Meeting

4. 8:10 DOMESTIC VIOLENCE SERVICES NETWORK

ISSUE: Members of the Domestic Violence Services would like to meet with the Board of Selectmen to discuss their programs and missions.

5. 8:25 NATIONAL GRID RECTIFIER & RECTIFIER POLE, KINSLEY ROAD AT KINSLEY LANE AND WILLOW STREET AT DUGGAN ROAD

ISSUE: Installation of Rectifiers and Poles to detect gas leaks on main gas lines.

III. SELECTMEN'S BUSINESS

6. APPOINTMENT OF ALTERNATIVE REPRESENTATIVE TO THE METROPOLITAN AREA PLANNING COUNCIL

Enclosed please find materials in the subject regard, for Board consideration.

7. TOWN COMMENTS AND ENVIRONMENTAL PROTECTION AGENCY REPLY CONCERNING W.R. GRACE SUPERFUND SITE

Enclosed please find materials in the subject regard, for Board consideration.

7.1 O'Reilly, Talbot & Okun Letter: Public Health Assessment

7.2 Comments on Monitoring Program Report

8. REQUEST TO ESTABLISH A POLICY REGARDING QUORUMS OF THE BOARD WHEN CONDUCTING TOWN BUSINESS WITHOUT A MEETING BEING POSTED

Enclosed please find materials in the subject regard, for Board consideration.

9. OTHER BUSINESS

- 9.1 Nashoba Brook Chamber Dedication September 27, 2008
- 9.2 Bruce Freeman Rail Trail: Add Concord to the Inter-Municipal Agreement
- 9.3 Assabet River Rail Trail: Support Letter
- 9.4 Verrill Farm: Gift Fund
- 9.5 Chris Dallmus – Appointment Design Review Committee

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October 6 & 20

November 3 and 17

December 1 & 15

January 12, 2010

Jett
S C. Ryan
 W. H. H. H.

I would like to make a comment regarding a pressing concern that I believe the Board of Selectmen can impact with their actions. My concern is with the process by which the Planning Board is making an important decision regarding the Residences and Quail Ridge that affects the taxpayers of Acton. I realize that this is not a forum in which I should or can replay the hearings or point out where I feel mistakes have been made. That is not my intent. My intent is instead to ask the Selectman, as the body appointing the Planning Board members and with ultimate responsibility for the local roadways in Acton, to pay close attention to this upcoming decision and provide appropriate guidance to the Planning Board. This will help to make sure they are not acting in conflict with what is best for the Town and taxpayers.

Even beyond the Selectman's role related to the roads in Acton, I believe that the Selectmen should be providing oversight to a Board with respect to a special permit application that has the following characteristics:

1. Takes the Board more than a year upon which to reach a decision
2. The Board appears to be at a deadlock
3. All parties other than the Planning Board are in agreement with what should be the answer
4. All parties are suing the Town
5. A failure to resolve the issues at the Planning Board level returns this matter to Court
 - a. Can result in the developer taking other actions with the property that can have an adverse impact on the Town
 - b. The Selectman will need to expend additional dollars to support the ongoing litigation associated with the Planning Board's decision.

To be effective in their roles, Planning Board members need to be open-minded, be concerned about how decisions affect all parties and the equity of those impacts (i.e., a marginal improvement in convenience for one party cannot be accomplished at the significant detriment to another party), be able to process information from experts and discern what is credible and what is not, and most importantly be informed. From my experience with this special permit application, I believe that some Planning Board members do not satisfy all of the above criteria. If you agree with my perspective on these requirements, you should emphasize them in your communication with the Planning Board. Although I expect that there would be universal agreement on these criteria, we have continued to be told by the Planning Board that the equity of this decision on residents within Acorn Park is not a consideration.

I encourage the Selectmen to watch the videotape of the last Planning Board meeting to see what has ensued and to attend the September 23 meeting. I also urge the Selectmen to make a strong statement to the Board to remind them of their appropriate operating principles before they come to a final decision on September 23, 2008.

Just to be sure there is no misunderstanding, I am a resident of Acorn Park and I am impacted by the Planning Board's actions in the Residences at Quail Ridge special permit. Although I live on Walnut Street which is one of the streets in Acorn Park that is not directly affected by this decision, I feel this is an extremely important issue for the Town. I hope that my comments have been presented in a constructive way and again urge you to pay close attention to this decision and to ensure that the Planning Board understands its charter. Thank you.

Background: The Planning Board was presented with the question of access to a new 174 unit active adult development. The Board's choice was to have single access through the currently existing Quail Ridge/Palmer Kennel entrance with emergency access through Acorn Park, or open access through Acorn Park. The Town's traffic safety expert determined that the increased traffic through Acorn Park will result in a hazardous situation for the residents of Acorn Park. The narrow roads, numerous cars that park in the roads, and the poor site distances assisted them in their decision making process. The Town's Traffic Engineer opined, without making a determination based upon safety, that traffic would flow more evenly with open access through Acorn Park. Faced with this decision (safety v. convenience) the Planning Board elected to jeopardize the safety of the residents of Acorn Park for the convenience of a new development.